

Foxborough Planning Board
Meeting Minutes
May 30, 2013
Town Hall

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Shannon McLaughlin, Ron Bressé, Alternate John Rhoads

Also Present: Planner Sharon Wason

7:00 p.m. Review of old/new business

Proposed Zoning Changes Legislation

Mr. Grieder stated that he was concerned about some legislation changes were changing Special Permit and zoning changes from super majority to majority vote. Ms. Wason stated that these items require approval from the Town. Mr. Grieder asked that Board members to read the legislation and then discuss so the Town's representatives can be reached out in support of those things that need to stay within the Town's purview.

**7:10 p.m. Public Hearing – Special Permit Renewal
Temporary Parking lot
200 North Street**

Mr. and Mrs. Davis were present. There are no changes to the plans. Ms. Wason read comments received from the Fire department and the Board of Health. Mr. Grieder asked how the enforcement of taxis was last season. Mr. Davis responded that it has become out of control adding that they are trying to police the situation in front of their property. Mr. Grieder stated that they should consider writing a letter to the Board of Selectmen with a copy to Police Chief O'Leary. Mr. Davis stated that there should be a designated standing area before enforcement to solve the problems. Mr. Grieder stated that they should reach out to the BOS, Chief O'Leary, Planning Board and Building Commissioner Casbarra so the dialogue can happen. Mr. Weinfeld stated that Ashcroft Way could be used for a staging area.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Grieder. The motion carried 5-0-0.

A **motion** to approve the Special Permit with the conditions listed below was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 5-0-0.

1. The temporary lot shall only be used for parking up to 40 vehicles during any single Stadium event through June 30, 2014. In addition, four personal vehicles and two tenant vehicles are also allowed.
2. The Planning Board, its designee or any Town officials withhold the right to count the number of vehicles parked on the site to ensure compliance with the 40 approved spaces. Other than being required to park additional vehicles by the Massachusetts State Police, or Foxborough Public Safety personnel, not more than 40 vehicles shall be parked on the site at one time.

3. The first two paved parking spaces on the right side entering the property shall be designated as handicapped parking spaces.
4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. The applicant shall provide a "porta-john" on site, or comply with any other decision of the Board of Health concerning the number and location of bathrooms.
6. Use of this property other than for commercial parking for stadium events is not allowed (re: auto sales/auctions, flea markets or similar uses).
7. All approved spaces shall be outlined on the ground with lime, paint or a similar product. These spaces shall be clearly delineated prior to each stadium event when parking will occur.
8. The site shall be cleaned and all loose refuse disposed of prior to and after each stadium event when parking occurs.
9. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.
10. The night lighting shall be tested and operational prior to the first night home game of the New England Patriots.
11. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
12. This permit shall be valid for one year until June 30, 2014.

**7:15 p.m. Public Hearing – Special Permit Renewal
Temporary Parking lot
96 Washington Street**

Mr. Patel was present. There are no changes to the plans. Ms. Wason read comments received from the Fire department and the Board of Health.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

A **motion** approve the Special Permit with the conditions listed below was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

1. The site shall only be used for parking up to 86 vehicles (**including** parking for motel patrons) during any single Stadium through June 30, 2014. Any deviations from this will result in enforcement action from the Zoning Enforcement Officer and a new public hearing to reconsider this Special Permit.
2. A total of 57 spaces may be employed for stadium events. 39 temporary spaces shall be allowed by this Special Permit. 18 permanent spaces shall be allowed to be used for stadium events. 27 spaces are dedicated for patrons of the Red Fox Motel and the applicant has been notified to monitor this situation. Additionally, two handicapped spaces are required by the Building Commissioner to meet the requirements of the Massachusetts Architectural Access Board, and may be utilized as approved by the Building Commissioner.
3. The Planning Board, its designee or any Town officials withhold the right to count the number of vehicles parked on the site to ensure compliance with the 86 approved spaces. Other than being required to park additional vehicles by the Massachusetts State Police, or Foxborough Public

Safety personnel, not more than 86 vehicles shall be parked (**including** parking for motel patrons).

4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. No public access shall be allowed to the south side of the main building. A barrier shall remain in place during all stadium events.
6. Other temporary uses of this property other than for commercial parking for stadium events are not allowed (re: auto sales/auctions, flea markets or similar uses).
7. All approved spaces shall be outlined on the ground with lime, paint or a similar product. These spaces shall be clearly delineated prior to each stadium event when parking will occur.
8. The site shall be cleaned and all loose refuse disposed of within twenty-four hours after each stadium event. All waste material shall then be removed from the site.
9. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.
10. The applicant shall make available to the public the bathroom in the motel office or provide one porta-john on site and/or comply with any other requirements of the Board of Health. Patrons shall be informed by numerous visible signage that a public toilet is available within the main office of the motel. Signs shall be located, at a minimum, at the front and rear of the special permit parking spaces, and as may be required by the Board of Health.
11. There shall be no old mattresses or other motel room furniture stored outside on the property.
12. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
13. This permit shall be valid for one year until June 30, 2014.

**7:20 p.m. Public Hearing – Special Permit Renewal
Temporary Parking lot
16 Washington Street**

Mr. Stanton was present. There are no changes to the plans. Ms. Wason read comments received from the Fire department and the Board of Health.

A **motion** was made to close the public hearing was made by Mr. Grieder and seconded by Ms. McLaughlin. The motion carried 5-0-0.

A **motion** approve the Special Permit with the conditions listed below was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

1. The temporary lot shall only be used for parking up to 89 vehicles during any single Stadium event through June 30, 2014.
2. The Planning Board, its designee or any Town official(s) withhold the right to count the number of vehicles parked within this temporary lot to ensure compliance with the 89 approved spaces. Other than being required to park additional vehicles by the Massachusetts State Police, or Foxborough Public Safety personnel, not more than the 89 vehicles shall be parked during any single stadium event.
3. Any access/egress issues or problems at the entrance of the site onto Route One shall continue to be resolved to the satisfaction of the Massachusetts State Police.

4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. Use of this property other than for commercial parking for stadium events is not allowed (re: auto sales/auctions, flea markets or similar uses). This condition shall not apply to the operation of the restaurant on site.
6. No porta-johns shall be located to the rear of any parking spaces. Access to them shall be clear with no obstruction(s) and subject to any other conditions of the Board of Health. The number and location of porta-johns shall comply with any decision of the Board of Health
7. To be employed for stadium events, each individual parking space shall be properly striped (pursuant to the approved site plan). No parking shall occur on those spaces/areas which are not striped to the satisfaction of the Planning Board or its designee.
8. The ends of the parking rows shall be properly marked and the spaces striped to ensure that the access widths are maintained.
9. A dumpster shall remain at the lot during stadium events and the site shall be cleaned and all loose refuse disposed of within twenty-four hours after each stadium event. Trash shall also be removed from the wooded areas abutting the lot. All waste material shall then be removed from the site.
10. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.
11. The night lighting shall be tested and operational prior to the first night home game of the New England Patriots. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
12. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
13. This permit shall be valid for one year until June 30, 2014.

**7:25 p.m. Public Hearing – Special Permit Renewal
Temporary Parking lot
94 Washington Street**

Mr. Holmes was present. There are no changes to the plans. Ms. Wason read comments received from the Fire department and the Board of Health.

A **motion** was made to close the public hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

A **motion** approve the Special Permit with the conditions listed below was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

1. All spaces may be employed for stadium events provided that the restaurant is closed to the public.
2. If the restaurant is open for stadium events, then 24 spaces shall be set aside and marked for restaurant patrons only. The remainder of the spaces may be used for stadium parking.
3. The Planning Board, its designee or any Town officials withhold the right to count the number of vehicles parked on the site to ensure compliance with the 167 approved spaces. Other than being

required to park additional vehicles by the Massachusetts State Police, or Foxborough Public Safety personnel, not more than 167 vehicles shall be parked on the site at one time.

4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of Town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. Use of this property other than for commercial parking for stadium events is not allowed (re: auto sales/auctions, flea markets or similar uses). This condition shall not apply to the operation of the restaurant on site.
6. The applicant shall provide 2 porta-johns or a number as may be approved by the Board of Health. The second porta-john location shall be in the southeast corner of the site.
7. All approved spaces shall be outlined on the ground with lime, paint or a similar product. These spaces shall be clearly delineated prior to each stadium event when parking will occur.
8. The site shall be cleaned and all loose refuse disposed of prior to and after each stadium event when parking occurs. Trash shall also be removed from the wooded areas abutting the lot.
9. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.
10. There shall not be any storage of old or unused restaurant equipment outside.
11. The night lighting shall be tested and operational prior to the first night home game of the New England Patriots.
12. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
13. All of the conditions from the previous Special Permits shall remain in full force and effect.
14. This permit shall be valid for one year until June 30, 2014.

7:28 p.m. Consulting Engineer Search

Ms. Wason informed the Board that the subcommittee made a recommendation that BSC be chosen as the new consulting engineering firm. She thanked Mr. Greene and Mr. Rhoads for all the work they did in reviewing the submittals.

A **motion** to enter into contract negotiations with BSC was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 5-0-0.

Mr. Grieder asked that staff send a letter to CDR Maguire to thank them for their service.

7:30 p.m. Continued Public Hearing Site Plan Review Foxboro Plaza – 30 Commercial Street

John Needleman was present. Ms. Wason stated that revised plans were submitted dated 5-22-13. She stated that all the issues have been addressed but there are 3 remaining comments:

- Plans should have a work schedule note – within allowable hours in the Town of Foxborough.
- Signature block needs to be added.
- New island should have snow fence or posts with construction tape so drivers can be warned of the addition.

Dwayne Williams, manager of Chic 2 Chic – stated that they have signed a lease for the Job Lots location and asked what the extent of the work was. Mr. Needleman showed the work area and explained the work to be done.

Margaret Nash, 227 Central Street – stated that the original approval for the plaza required the installation and maintenance of a fence along her property line which has not been maintained. She requested the installation of a new fence and also requested that trees in her property be maintained. Board noted that the trees are in her property and is beyond the Board’s purview. She also noted that there is other fencing on her neighbors’ property. The Board agreed that a new stockade fence (220 +/- feet) should be installed and maintained and Mr. Needleman agreed to the condition.

There were no more comments from the public.

A **motion** to close the public hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

A **motion** to make the following findings was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 5-0-0.

1. The project maintains the integrity and character of all zoning districts and adjoining zones b insuring that the development complies with the Town of Foxborough Zoning By-Laws and that the purposes as stated in Section 1.0 of the By-Laws are fulfilled.
2. Has been planned and designed to minimize impacts on the environment, its abutters and the community, to the extent practicable.
3. Complies with the plan form and contents and other requirements for a site plan.

A **motion** to approve the site plan with the conditions below was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

1. The improvements, facilities, amenities, and alternations shown on plans prepared by R. J. O’Connell & Associates of Stoneham, MA, stamped by Thomas Minotti DiCicco P.E. dated April 24, 2013, revised May 22, 2013, are incorporated as requirements and conditions of this approval.
2. The applicant shall provide a performance guarantee in the sum of \$ 10,000 to secure the completion of all required fixtures, appurtenances, amenities, and improvements, including landscaping, drainage system, pavement installation and striping, and as-built plan.
3. The applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a building permit.
4. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
5. A block suitable for Board endorsement shall be added to the final set of plans.
6. Snow storage area(s) shall be added to the plans.
7. 220+/- linear feet of stockade wooden fence not less six feet in height shall be installed and maintained to replace the existing fence between the Plaza and the Nash lot at 227 Central Street.
8. The applicant or successors are required to maintain the drainage system. Catch basins shall be cleaned at least twice yearly, once in the spring and once in the fall. Failure to maintain the drainage system will be considered a violation of this approval. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant’s failure to cure such deficiency in maintaining the drainage system will be considered a violation of this approval. Stormwater system maintenance reports shall be submitted annually to the Board.

9. The Applicant shall install and maintain tree protection fencing and other protective measures for landscaping to be preserved. The tree protection fencing shall be located so that construction activities and site alterations do not disturb the root zone of the trees designated for preservation. The Board's Inspector may order that the protective measures be relocated to better protect trees and landscaping to be preserved. The Applicant shall replace any trees and landscaping designated to be preserved, which were damaged, killed, or removed as a result of construction activities.
10. Working hours shall not exceed 7 a.m. to 7 p.m. Monday through Saturday per Town of Foxborough General By-Laws.
11. The final sentence of Work Schedule item #10 shown on the plans shall be changed to read "Work may be required to be done off-hours, but may not begin before 7 a.m. or extend beyond 7 p.m. Monday through Saturday and at no time on Sunday per Town of Foxborough General By-Laws."
12. Catch basins and the oil-water separator shall be protected during construction and evidence that they and the swale in front of the Dunkin Donuts have been cleaned shall be submitted to the Planning Board before the issuance of an occupancy permit for the relocated Ocean State Job Lot. Observation of cleaning and maintenance by the Planning Board inspector, an invoice from a catch basin cleaning firm and photographs, or other similar documentation may be used as evidence of cleaning.
13. The erosion control plan must incorporate measures to prevent stormwater and mud (from vehicles) from entering onto Commercial Street during construction.
14. All required sedimentation and erosion controls shall be in place prior to the commencement of construction. The Planning Board inspector shall be contacted for inspection prior to the commencement of construction. The best management and maintenance practices for the site shall be complied with at all times, including after the issuance of a Certificate of Occupancy for the premises.
15. The Applicant shall notify the Planning Board in writing two or more working days prior to the commencement of work on-site and the completion of site work and as otherwise instructed by the Board or the Planning Board inspector.
16. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
17. All Site work must be completed within twelve (12) months of the issuance of this permit.
18. All signs installed on site shall comply with section 15B of the Foxborough General By-Laws. Standard stop signs meeting MUTCD requirements shall be installed by the applicant at the intersections of the site drive with Commercial Street. Signs to be installed per the specifications of the Town of Foxborough.
19. Reflective "driveway snow pole" markers or other similar devices at least four feet in height shall be installed periodically along the new island for a period of at least six months to alert the public to the installation of the island.
20. Handicapped access and facilities shall comply with the Americans with Disability Act and Architectural Access Board standards.
21. All construction shown on the site plan must be substantially completed prior to the issuance of an occupancy permit for the relocated Ocean State Job Lot.
22. As built plans shall be submitted to the Board after construction and prior to the release of the performance guarantee.
23. Site plan approval shall lapse if construction is not commenced within twelve months from the date of approval.

24. Any proposed change(s) from the approved site plans or additional site work deemed substantive by any Town official shall be presented for review by the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s). Approved revisions shall be illustrated on plans and submitted to the Board.

8:15 p.m. Discussion concerning traffic around Town Common

Mr. Greene and Mr. Rhoads presented a conceptual plan for traffic flow around the Town Common to allow for better flow and safer travel. The Board agreed that this should be a plan to pursue.

8:40 p.m. Informal discussion concerning 12 Cook Road parcel

Chris Hollett stated that he wanted to meet with the Board because he is interested in purchasing property at 12 Cook Road and subdividing the lot. He explained that the lot is approximately 200,000 square feet in size and located at the end of Cook Road. Ms. Wason explained that because of frontage requirements, the number of lots allowed would be less than what Mr. Hollett has in mind. She suggested that Mr. Hollett look at the Residential Compound by-law and consider this option. The Board looked at the property and concurred with Ms. Wason.

9:00 p.m. Update on Downtown Zoning project by Cynthia Wall of MAPC

Ms. Wall discussed with the Board the different uses in the Zoning By-Laws Use Table (3-1) and how they would be categorized in the proposed overlay district. (May 30, 2013 handout)

10:20 p.m. Active Subdivisions

“Governor’s Meadow” subdivision

Ms. Wason explained that Mr. Mordini has asked for the Board to set a bond amount and is requesting an extension of the subdivision completion date. She stated that he submitted an estimate prepared by his engineer and she reviewed it and added the contingency amount.

A **motion** to set the performance guarantee for the Governor’s Meadow subdivision for the amount of \$380,668.00 was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 5-0-0.

A **motion** to extend the subdivision completion date for the Governor’s Meadow subdivision to June 30, 2015 was made by Mr. Greene and seconded by Mr. Grieder. The motion carried 5-0-0.

Respectfully submitted,
Gabriela Jordan

Approved by: William Grieder _____

Date: 11/14/2013